

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

JOHN SHARP,]	
]	
Plaintiff,]	
]	
vs.]	7:08-CV-2271-LSC-TMP
]	
DR. JAMES WHITLEY, et al.,]	
]	
Defendants.]	

Order Accepting Report and Recommendation

This court has reviewed the Report and Recommendation of the Honorable T. Michael Putnam, United States Magistrate Judge (Doc. 25) entered the 18th day of May, 2010, pertaining to Defendant's Motion for Summary Judgment (Docs. 19)¹, in addition to the Supplemental Report and Recommendation of the Magistrate Judge (Doc. 30), entered the 7th day of September, 2010.² No objections have been filed to the Supplemental

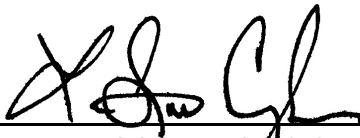
¹Defendants filed a Special Report (Doc. 19) on June 29, 2009. Per order of the Court, dated February 25, 2010, this Special Report is being treated as a motion for summary judgment.

²Defendant Correctional Medical Services, Inc. filed a Motion to Amend/Correct and Motion to Reconsider Magistrate's Report and Recommendation (Doc. 26) on May 27, 2010, requesting the court consider additional evidence. The court granted said motion on May 28, 2010 to the extent it would consider additional evidence and

Report and Recommendation.

After careful consideration of the record in this case and the Magistrate Judge's report and recommendations, this Court hereby ADOPTS the report of the Magistrate Judge. The Court further ACCEPTS the recommendations of the Magistrate Judge, and therefore ORDERS the following: Defendant Correctional Medical Services, Inc.'s motion for summary judgment is DENIED; and, Defendants Dr. James Whitley and Department of Corrections Commissioner Richard Allen's motion for summary judgment is GRANTED, and all individual capacity claims against them are dismissed with prejudice. Further, all further proceedings as to the remaining claims against Defendant Correctional Medical Services, Inc. are referred to the Magistrate Judge T. Michael Putnam.

Done this 30th day of September 2010.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
153671

subsequently enter a supplemental Report and Recommendation. (Doc. 28.)